

Rec'd PCT/PTO 09 MAR 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FOLGER BRUCE *et al.*

Serial No. 10/525,062

Filed: February 18, 2005

For: **RANDOM TRANSPOSON INSERTION IN STAPHYLOCOCCUS  
AUREUS AND USE THEREOF TO IDENTIFY ESSENTIAL GENES**

) Group Art Unit: TBA  
) Examiner: TBA  
) Atty. Dkt. No. 002441.00123  
)

**PETITION UNDER 37 C.F.R. § 1.47(a)**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants hereby petition under 37 C.F.R. § 1.47(a) for acceptance of the attached Response to the Notice to File Missing Parts mailed July 18, 2005. Charge Deposit Account No. 19-0733 for the Petition Fee under (37 C.F.R. § 1.17(h) and any other fees which may be due.

There are four (4) inventors listed on the declaration:

Kim Folger BRUCE;

Paul WARRENER;

Jennifer MCLARNAN; and

Kevin HOU.

However, only the first three inventors signed the declaration.


03/14/2006 LLANDERA 00000030 190733 10525062  
04 FC:1464 130.00 DA

A declaration of Michelle Couch is attached and explains how diligent attempts were made to obtain the signature of the non-signing inventor Kevin Hou. As Ms. Couch's declaration demonstrates, the non-signing inventor is unavailable or has refused to sign the declaration.

Applicants request that the application be accepted as complete even though one of the inventors, Kevin Hou, is unavailable or has refused to sign the declaration.

Respectfully submitted,

Dated: March 9, 2006

  
Lisa M. Hemmendinger  
Registration No. 42,653

Customer No. 22907

RECEIVED 09 MAR 2005

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of: )  
FOLGER BRUCE, Kim, *et al.* ) Group Art Unit: TBA  
Serial No. 10/525,062 ) Examiner: TBA  
Filed: February 18, 2005 ) Atty. Dkt. No. 002441.00123

**For: RANDOM TRANSPOSON INSERTION IN STAPHYLOCOCCUS  
AUREUS AND USE THEREOF TO IDENTIFY ESSENTIAL GENES**

**DECLARATION OF MICHELLE COUCH**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

I, Michelle Couch, declare as follows:

1. I am employed in the Intellectual Property Department at Chiron Corporation, located in Emeryville, CA.
2. I have tried to contact Kevin Hou regarding execution of the Joint Assignment and Joint Declaration for this application. I have been unable to locate him.
3. Kevin Hou's last known address is 18123 NW Village Park Drive, Issaquah, WA 98027. I sent a package to Dr. Hou by Federal Express, enclosing a letter dated October 31,

2005, copies of the Joint Declaration and Joint Assignment, and a pre-paid Federal Express return envelope. Copies of the letter and enclosures are provided in Exhibit 1.

4. On or around February 9, 2006 I tried to contact Dr. Hou by telephone and discovered that his number had been disconnected. I searched the internet for a "Kevin Hou" or "K. Hou" in the areas surrounding Issaquah WA and Seattle WA. I found a telephone number for a J & K Hou. I left messages at that number on or around February 9, 2006 and on February 21 and March 2, 2006 but received no response.

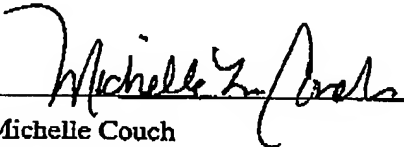
5. On February 22, 2006 I sent a second package to Dr. Hou by Federal Express, enclosing a letter, copies of the Joint Declaration and Joint Assignment, and a pre-paid Federal Express return envelope. The package was delivered to that address on February 23, 2006. Copies of the airbill, letter, enclosures, and tracking results are provided in Exhibit 2.

6. On March 2, 2006 I was able to reach Kim Folger Bruce, one of the co-inventors of this application. She told me that Dr. Hou may have moved to California, possibly to the Bay area. I searched the internet again on March 3, 2006 and identified five possible telephone numbers. I called each of them. Each resident confirmed that there was no Kevin Hou at these telephone numbers.

7. On March 7, 2006 I spoke with Dr. Bruce to ask if she had any further information about how to reach Dr. Hou. At this time, however, we still have been unable to locate him.

8. The statements I made in this declaration of my own knowledge are true and correct. I believe that the statements I made in this declaration based on information or belief are true and correct. I have been warned that willful false statements and the like can be punished by fine, imprisonment, or both (18 U.S.C. § 1001).

Dated: 3/8/06

  
Michelle Couch

CHIRON

Chiron Corporation  
4560 H Street  
Emeryville, California 94608-2916  
510.655.8730  
Intellectual Property Fax 510.655.3542  
Mailing: P.O. Box 8097  
Emeryville, California 94662-8097

**URGENT - VIA FEDERAL EXPRESS**

**PERSONAL AND CONFIDENTIAL**

**Intellectual Property**

October 31, 2005

Kevin Hou  
18123 NW Village Park Drive  
Issaquah, Washington 98027

Re: U.S. Application No. 10/525,062  
Title: Random Transposon Insertion In Staphylococcus Aureus And Use  
Thereof To Identify Essential Genes  
Our Reference No.: PP017835.0003

Dear Kevin:

The Intellectual Property Department wants to thank you for your cooperation in completing the above-captioned application. A copy of PCT publication of the application is enclosed. Jennifer McLarnan, Paul Warrenner and Kevin Hou are the other named inventors. A copy of the PCT published application is being forwarded to them as well.

Chiron must submit an Assignment and Declaration with your signature to the U.S. Patent Office. This Declaration states that you have read the application and that you confirm that you are an inventor.

The Declaration also states that as an inventor, you will inform the U.S. Patent Office of any publications or disclosures that may affect the patentability of the claimed invention. For our evaluation, please notify the Patent Department of the following:

- (a) relevant publications or patents published before your application was filed;
- (b) manuscripts that you prepare and publish on this and related work, before and after the application was filed; and
- (c) new data relevant to the application that is generated after the filing date.

Please do not refer to this application in any documents that will be circulated, such as your CV.

October 31, 2005  
Page 2

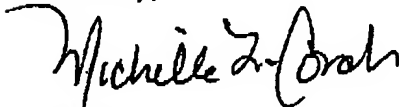
Enclosed are the following documents:

1. Assignment: Assignment to be signed and dated by you (preferably, in blue ink) and signed by two witnesses watching you sign the documents. **THIS DOCUMENT DOES NOT NEED TO BE NOTARIZED.** The amount of \$1.00 is being paid to you for assigning your rights to Chiron Corporation in accordance with your employment agreement. **(Return signed Assignment).** **If you make any changes, please initial and date changes.**
2. Declaration: Please sign and date in (preferably) blue ink. This document need not be notarized. **(Return signed Declaration).** **If you make any changes to citizenship or residence information, please initial and date changes.**
3. A Federal Express addressed envelope to return documents -- just sign where indicated and drop in a Federal Express box.

It is imperative that you please return the signed documents as soon as possible using the enclosed self-addressed Federal Express envelope.

Thank you for very much for your help in this matter. If you have any questions regarding the above, please do not hesitate to contact the undersigned at (510) 923-3533.

Sincerely,



Michelle L. Couch  
Patent Assistant

Encls.

Atty. Dkt. No 17835.0003

**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**RANDOM TRANSPOSON INSERTION IN STAPHYLOCOCCUS AUREUS AND USE THEREOF TO IDENTIFY ESSENTIAL GENES**

the specification of which (check one)

☐ Is attached hereto.☒ was filed on August 20, 2003 as International Application Number PCT/US2003/025879 now assigned United States Application Number 10/525,062.

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/404,406	August 20, 2002



Atty. Dkt. No

17835.0003

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor Kim Folger BRUCE  
Residence (City, State) Seattle, Washington  
Citizenship United States  
Post Office Address c/o 4560 Horton Street, Emeryville, California 94608  
Inventor's signature \_\_\_\_\_  
Date \_\_\_\_\_

Name of second inventor Paul WARRENER  
Residence (City, State) Seattle, Washington  
Citizenship United States  
Post Office Address c/o 4560 Horton Street, Emeryville, California 94608  
Inventor's signature \_\_\_\_\_  
Date \_\_\_\_\_

Atty. Dkt. No 17835.0003

Name of third inventor	Jennifer MCLARNAN
Residence (City, State)	Edmons, Washington
Citizenship	United States
Post Office Address	c/o 4560 Horton Street, Emeryville, California 94608
Inventor's signature	
Date	

Name of third inventor	Kevin HOU
Residence (City, State)	Issaquah, Washington
Citizenship	United States
Post Office Address	c/o 4560 Horton Street, Emeryville, California 94608
Inventor's signature	
Date	

PATENT

Atty. In [REDACTED] t No. PP017835.0003

**ASSIGNMENT**

**WHEREAS, WE, KIM FOLGER BRUCE; PAUL WARRENER; JENNIFER MCLARNAN; KEVIN HOU**

hereinafter referred to as **ASSIGNORS**, have invented certain new and useful improvements as described and set forth in the below-identified United Kingdom Patent Application(s), International Patent Application(s), and application(s) for United States Letters Patent:

Title of Invention: **RANDOM TRANSPOSON INSERTION IN STAPHYLOCOCCUS AUREUS AND USE THEREOF TO IDENTIFY ESSENTIAL GENES**

Date of Execution:

Application No(s): PCT/US2003/025879  
US 10/525,062

Filing Date: August 20, 2003  
Filing Date:

**WHEREAS**, CHIRON CORPORATION, 4560 Horton Street, Emeryville, California 94608-2916, a corporation of the State of Delaware, hereinafter referred to as **ASSIGNEE**, is desirous of acquiring the entire right, title and interest in the above invention and application(s) and in any Letters Patent which may be granted on the same;

**NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:** Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to **ASSIGNORS** by **ASSIGNEE**, receipt of which is hereby acknowledged, **ASSIGNORS** have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said **ASSIGNEE**, and **ASSIGNEE'S** successors and assigns, all right, title and interest in and to the said invention, said application(s) and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions (including conversions claiming priority under 35 U.S.C. §119(e)), reissues, prolongations or extensions thereof, the said interest to be held and enjoyed by said **ASSIGNEE** as fully and exclusively as it would have been held and enjoyed by said **ASSIGNORS** had this assignment and transfer not been made, to the full end and term of any Letters Patent.

PATENT

Atty. D. No. PP017835.0003

**ASSIGNORS** also agree that the U.S. serial number may be entered above by **ASSIGNEE** or its agents upon designation of the application number by the U.S. Patent and Trademark Office.

**ASSIGNORS** further agree that they will, without charge to said **ASSIGNEE**, but at **ASSIGNEE'S** expense, cooperate with **ASSIGNEE** in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as **ASSIGNEE** lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said **ASSIGNEE**, or **ASSIGNEE'S** successors and assigns.

*IN TESTIMONY WHEREOF, ASSIGNORS* have hereunto signed their name to this assignment on the date indicated below.

DATE \_\_\_\_\_

\_\_\_\_\_  
Kim Folger BRUCE\_\_\_\_\_  
Witness\_\_\_\_\_  
Witness

DATE \_\_\_\_\_

\_\_\_\_\_  
Paul WARRENER\_\_\_\_\_  
Witness\_\_\_\_\_  
Witness

PATENT

Atty. D. [redacted] t No. PP017835.0003

DATE \_\_\_\_\_

\_\_\_\_\_  
Jennifer MCLARNAN

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

DATE \_\_\_\_\_

\_\_\_\_\_  
Kevin HOU

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

**FedEx USA Airbill**  
ExpressFedEx  
Tracking  
Number

8776 1895 2243

Sender's Copy

1 From Please print and print here.  
Date 2/22/06 Sender's FedEx Account Number 1101-1442-7Sender's Name Michelle Couch Phone ( )Company CHIRON CORPAddress 4221 HORTON ST

Day/Evening/Room

City EMERYVILLE State CA ZIP 946082 Your Internal Billing Reference PP17835.00033 To Recipient's Name Kevin Hau Phone ( )

Company

Address 18123 NW Village Park Drive

We cannot deliver P.O. boxes or P.O. ZIP codes.

Address

Day/Evening/Room

City Issaquah State WA ZIP 98027Try online shipping at [fedex.com](http://fedex.com)

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including taxes that limit our liability.

Questions? Visit our Web site at [fedex.com](http://fedex.com)  
or call 1.800.Go.FedEx® 800.463.3339.

0212881235

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☒ FedEx Priority Overnight  
(Next business morning)☐ FedEx Standard Overnight  
(Next business afternoon)Packages up to 150 lbs.  
Delivery commitment may be lower in some areas.  
FedEx First Overnight  
Carries next business morning  
delivery to select locations☐ FedEx 2Day  
(Second business day)  
FedEx 2Day rates not available. Minimum charges: One-pound rate☐ FedEx Express Saver  
(Third business day)

## 4b Express Freight Service

☐ FedEx 1Day Freight®  
(Next business day)☐ FedEx 2Day Freight  
(Second business day)Packages over 150 lbs.  
Delivery commitment may be lower in some areas.  
☐ FedEx 3Day Freight  
(Third business day)

\* Call for Confirmation.

## 5 Packaging

☐ FedEx Envelope®☒ FedEx Pak®  
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Saver Pak☐ Other

## 6 Special Handling

☐ SATURDAY Delivery  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select ZIP codes☐ HOLD Weekday  
at FedEx Location  
NOT Available for  
FedEx Priority Overnight☐ HOLD Saturday  
at FedEx Location  
Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select locations

Does this shipment contain dangerous goods?

☐ No☐ Yes  
As per attached  
Shipper's Declaration☐ Yes  
Shipper's Declaration  
Not Required☐ Dry Ice  
Dry Ice 2, use 1250

Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.

☐ Cargo Aircraft Only

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\*Our liability is limited to \$100 unless you declare a higher value. See back for details.

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By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

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CHIRON

Chiron Corporation  
4560 H Street  
Emeryville, California 94608-2916  
510.655.8730  
Intellectual Property Fax 510.655.3542  
Mailing: P.O. Box 8097  
Emeryville, California 94662-8097

**VERY URGENT - VIA FEDERAL EXPRESS**

**PERSONAL AND CONFIDENTIAL**

Intellectual Property

February 21, 2006

Kevin Hou  
18123 NW Village Park Drive  
Issaquah, Washington 98027

Re: U.S. Application No. 10/525,062  
Title: Random Transposon Insertion In Staphylococcus Aureus And Use  
Thereof To Identify Essential Genes  
Our Reference No.: PP017835.0003

Dear Kevin:

The Intellectual Property Department wants to thank you for your cooperation in completing the above-captioned application. A copy of PCT publication of the application is enclosed. Kim Folger Bruce, Jennifer McLarnan and Paul Warrenner are the other named inventors. A copy of the PCT published application is being forwarded to them as well.

Chiron must submit an Assignment and Declaration with your signature to the U.S. Patent Office. This Declaration states that you have read the application and that you confirm that you are an inventor.

The Declaration also states that as an inventor, you will inform the U.S. Patent Office of any publications or disclosures that may affect the patentability of the claimed invention. For our evaluation, please notify the Patent Department of the following:

- (a) relevant publications or patents published before your application was filed;
- (b) manuscripts that you prepare and publish on this and related work, before and after the application was filed; and
- (c) new data relevant to the application that is generated after the filing date.

Please do not refer to this application in any documents that will be circulated, such as your CV.

February 21, 2006

Page 2

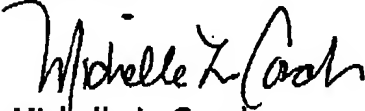
Enclosed are the following documents:

1. Assignment. Assignment to be signed and dated by you (preferably, in blue ink) and signed by two witnesses watching you sign the documents. Please ensure you have two witnesses sign beneath your signature - this document does not need to be notarized. The amount of \$1.00 is being paid to you for assigning your rights to Chiron Corporation in accordance with your employment agreement. **(Return signed Assignment).** **If you make any changes, please initial and date changes.**
2. Declaration. Please sign and date in (preferably) blue ink. This document need not be notarized. **(Return signed Declaration).** **If you make any changes to citizenship or residence information, please initial and date changes.**
3. A Federal Express addressed envelope to return documents -- just sign where indicated and drop in a Federal Express box.

It is imperative that you please return the signed documents as soon as possible using the enclosed self-addressed Federal Express envelope.

Thank you for very much for your help in this matter. If you have any questions regarding the above, please do not hesitate to contact the undersigned at (510) 923-3533.

Sincerely,



Michelle L. Couch  
Patent Assistant

Encls.



**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I HEREBY DECLARE

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**RANDOM TRANSPOSON INSERTION IN STAPHYLOCOCCUS AUREUS AND USE THEREOF  
TO IDENTIFY ESSENTIAL GENES**

the specification of which (check one)

is attached hereto.

X

was filed on August 20, 2003 as International Application Number PCT/US2003/025879 now assigned United States Application Number 10/525,062.

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/404,406	August 20, 2002

Atty. Dkt. No. 017835.0003

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Kim Folger BRUCE
Residence (City, State)	Seattle, Washington
Citizenship	United States
Post Office Address	c/o 4560 Horton Street, Emeryville, California 94608
Inventor's signature	
Date	

Name of second inventor	Paul WARRENER
Residence (City, State)	Seattle, Washington
Citizenship	United States
Post Office Address	c/o 4560 Horton Street, Emeryville, California 94608
Inventor's signature	
Date	

Atty. Dkt. No. 017835.0003

Name of third inventor	Jennifer MCLARNAN
Residence (City, State)	Edmonds, Washington
Citizenship	United States
Post Office Address	c/o 4560 Horton Street, Emeryville, California 94608
Inventor's signature	
Date	

Name of third inventor	Kevin HOU
Residence (City, State)	Issaquah, Washington
Citizenship	United States
Post Office Address	c/o 4560 Horton Street, Emeryville, California 94608
Inventor's signature	
Date	

PATENT

Atty. In Interest No. PP017835.0003

**ASSIGNMENT**

**WHEREAS, WE, KIM FOLGER BRUCE; PAUL WARRENER; JENNIFER MCLARNAN; KEVIN HOU**

hereinafter referred to as **ASSIGNORS**, have invented certain new and useful improvements as described and set forth in the below-identified United Kingdom Patent Application(s), International Patent Application(s), and application(s) for United States Letters Patent:

Title of Invention: **RANDOM TRANSPOSON INSERTION IN STAPHYLOCOCCUS AUREUS AND USE THEREOF TO IDENTIFY ESSENTIAL GENES**

Date of Execution:

Application No(s): **PCT/US2003/025879** Filing Date: **August 20, 2003**  
**US 10/525,062** Filing Date:

**WHEREAS, CHIRON CORPORATION, 4560 Horton Street, Emeryville, California 94608-2916, a corporation of the State of Delaware, hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in the above invention and application(s) and in any Letters Patent which may be granted on the same;**

**NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:** Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to **ASSIGNORS** by **ASSIGNEE**, receipt of which is hereby acknowledged, **ASSIGNORS** have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said **ASSIGNEE**, and **ASSIGNEE'S** successors and assigns, all right, title and interest in and to the said invention, said application(s) and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions (including conversions claiming priority under 35 U.S.C. §119(e)), reissues, prolongations or extensions thereof, the said interest to be held and enjoyed by said **ASSIGNEE** as fully and exclusively as it would have been held and enjoyed by said **ASSIGNORS** had this assignment and transfer not been made, to the full end and term of any Letters Patent.

PATENT

Atty. Invt No. PP017835.0003

**ASSIGNORS** also agree that the U.S. serial number may be entered above by **ASSIGNEE** or its agents upon designation of the application number by the U.S. Patent and Trademark Office.

**ASSIGNORS** further agree that they will, without charge to said **ASSIGNEE**, but at **ASSIGNEE'S** expense, cooperate with **ASSIGNEE** in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as **ASSIGNEE** lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said **ASSIGNEE**, or **ASSIGNEE'S** successors and assigns.

*IN TESTIMONY WHEREOF*, **ASSIGNORS** have hereunto signed their name to this assignment on the date indicated below.

DATE \_\_\_\_\_

\_\_\_\_\_  
**Kim Folger BRUCE**\_\_\_\_\_  
Witness\_\_\_\_\_  
Witness

DATE \_\_\_\_\_

\_\_\_\_\_  
**Paul WARRENER**\_\_\_\_\_  
Witness\_\_\_\_\_  
Witness

PATENT

Atty. [REDACTED] et No. PP017835.0003

DATE \_\_\_\_\_

\_\_\_\_\_  
**Jennifer MCLARNAN**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

DATE \_\_\_\_\_

\_\_\_\_\_  
**Kevin HOU**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/525,062

FIRST NAMED APPLICANT

Kim Folger Bruce

ATTY. DOCKET NO.

002441.00123

INTERNATIONAL APPLICATION NO.

PCT/US03/25879

LA. FILING DATE

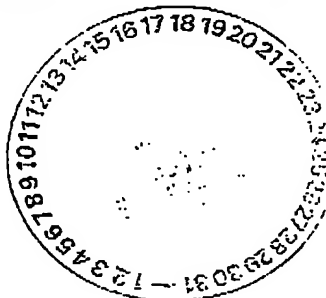
08/20/2003

PRIORITY DATE

08/20/2002

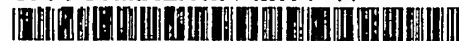
27476

Chiron Corporation  
Intellectual Property - R440  
P.O. Box 8097  
Emeryville, CA 94662-8097



CONFIRMATION NO. 6065

371 FORMALITIES LETTER



\*OC000000016728664\*

Date Mailed: 08/09/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/18/2005
- Copy of the International Search Report filed on 02/18/2005
- Preliminary Amendments filed on 02/18/2005
- Information Disclosure Statements filed on 02/18/2005
- Biochemical Sequence Diskette filed on 02/18/2005
- Biochemical Sequence Listing filed on 02/18/2005
- Request for Immediate Examination filed on 02/18/2005
- U.S. Basic National Fees filed on 02/18/2005
- Priority Documents filed on 02/18/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$2450 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

DOCKETED on/by 8/17/05 gm  
Atty. NMF PA  
File # PP017835.0003  
Du Date 10/9/05 Ext R55  
Final Date 3/9/06 R56



## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$2580 for a Large Entity:

- \$130 Surcharge
- Total additional claim fee(s) for this application is \$ 2450
  - \$600 for 3 independent claims over 3.
  - \$1850 for 37 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,062	PCT/US03/25879	002441.00123